the President on the

Matter.

The interstate commerce commission was

was again up for consideration. The com-

mission is endeavoring to get in readiness

a report on this case, so that it may go to

mitted to Mr. Roosevelt through the De-

It is understood that the President has

kept informed on the Harriman case and

is looking forward to the report of the com-

mission with a great deal of interest. That

report, it is believed, will contain some

recommendations for action, which in turn

will be passed upon by the Department of

derstood, the interstate commerce commis-

take the view that there is no way by

which the government can prosecute Mr.

in Oyster Bay yesterday, and it is thought here that his visit may have been for the

purpose of urging the institution of pro-ceedings against Mr. Harriman.

BERRY DEALERS FINED

HEAVY ASSESSMENT BY JUDGE

KIMBALL FOR SHORT MEASURE.

On charges of selling strawberries in

baskets that were short weight and which

did not conform to the standards in the

office of the sealer of weights and meas-

ures, Harry J. Rice and John H. Carter,

produce dealers at 936 Louisiana avenue

northwest, were before Judge Kimball in

bent upward, Judge Kimball fined the two

The arrest in the case was made

Defense of Rice.

he bought the berries in the same condi-

defrauded if the consumer who purchased

he did not sell the berries representing the

the usual custom along the market line.

how or from whom he bought," declared Judge Kimball at the conclusion of the testimony. "It is a man's duty to find out

that the things he sells are pure and full

measure; that they are in the quantity and

quality as represented to the consumer. As a purchaser, we would think that we were

buying a full box of berries when we pur-

chased that box, but we do not get a full

box. It is a fraud, a clear-cut fraud, in-tended to cheat the consumer. He gets 20 per cent less than he thought he was

getting. We must hold the man who deals

and Mr. Carter. I would feel very much

disgruntled-to use a mild term-if I found

berries I bought in such boxes."
Attorney Campbell Carrington, who rep-

resented the defendants, noted an excep-

tion to the ruling of the court, and an ap-

MERCURY SOARS UPWARD.

No Promise at Weather Bureau of

Cooler Weather.

After its rest of yesterday the hot

weather got right down to business again

today, and is apparently trying to break

Monday's record. By noon the thermometer

at the weather bureau registered 86 de-

grees, only two less than Monday's figures.

The mark at Affleck's was 93, against 95

There was little expectation at the

weather bureau that Monday's score of 93,

at 4 p.m.-99 at Affleck's-would be beaten,

but on the street few were so hopeful, an

expression of resignation struggling on fea-

At Affleck's there was a disposition to ob-

ject to the sluggishness of the mercury, it

being declared that Washington is entitled

to 103 on at least one day in the month of

July, and if the weather can't do it by it-

self somebody ought to put a stove under it.

It was a steady climb for the thermom-

eters all the morning. At the weather bu-

every half hour after eight o'clock. Down-

town there was a jump of four degrees—from 89 to 93—between 11 o'clock and noon.

Vagrant zephyrs, that made yesterday's

breeze seem like a close-reef gale, moved

whirl the dust where excavating is go-

Records for Twenty-Four Hours.

thermometer and barometer at the weather

Maximum temperature past twenty-four

BIG C. E. CONVENTION.

Many Delegates Arriving at Seattle

for Annual Meeting.

SEATTLE, Wash., July 10.-With hun-

dreds of delegates already in the city, and

with more due today, the twenty-third an-

nual international convention of the Chris-

hours, 87; a year ago, 85.

The following were the readings of the

tures bedewed with perspiration.

peal may be taken.

on Monday.

In his own behalf Mr. Rice testified that

defendants \$150 in the two cases.

consumer responsible."

partment of Justice.

Justice.

first contained, in substance, the provisions on this subject of the present constitution) and its language was embodied in the code of local laws of 1860. On this point the court of appeals says (32 Md., p. 383):
"It is very clear that, after the adoption of that constitution, the legislature had no

power to appoint a justice of the peace, nor could they vest judicial power in any other officer except such as were enumerated in the first section of the fourth article of the constitution. When that constitution was adopted, therefore, it stripped the mayor of the judicial power or jurisdiction appertaining to the office of a justice of the peace, which had been conferred upon him by the act of 1847; and it is equally clear that such jurisdiction could not, constitutionally, be conferred upon him by the code of 1860."

'The case of Attorney General agt. Mc-Donald (3 Wis., 805) is likewise precisely in point and several other decisions of state courts of last resort might be cited to show that such legislation is clearly unconstitutional.

If the view of the Maryland law above suggested be correct, it follows that the mayor of Glen Echo has no jurisdiction to impose or collect fines, since the provision of the charter professing to give him such jurisdiction is inoperative by its terms, and, if it were operative, would be unconstitu-tional. It would seem that persons who have been compelled to pay such fines, when under arrest and threatened with imprisonment, are entitled to recover back the same, either from the mayor himself or from the town of Glen Echo, if the money has been (as I understand to be the case) paid into the municipal treasury. range a satisfactory test case to determine his authority in the premises is not altogether clear, but, in any event, proceedings for this purpose could be insti-tuted only in the courts of Maryland.

Jurisdiction Over Conduit Road. "It appears from the papers transmitted with your letter that your inquiry relates to certain matters of much broader scope than the jurisdiction of the mayor of Glen Echo. I understand from these papers that you desire advice as to the jurisdiction of the United States and the powers conferred upon your department with respect to so much of the above-mentioned 'Conduit road' as lies within the limits of the state of Maryland. The Attorney General then reviews the

"In 1852 and 1853 the Congress authorized and made necessary appropriations for the construction of works to furnish the cities of Washington and Georgetown an abun-dant supply of water and for the acquisi-tion of such lands as might be needed for these purposes. In 1853 the legislature of Maryland passed an act whereby it was provided that consent is hereby given to the United States to purchase such lands and to construct such dams, reservoirs, buildings and other works, and to exercise concurrently with the state of Maryland such jurisdiction over the same as may be necessary for the said purpose.

"Large sums of money were from time to time appropriated by the Congress for the completion of the works connected with this water supply, and by an act approved March 3, 1859, the President was directed to 'place the dams, aqueducts, water gates, reservoirs and all fixtures and improve-ments connected therewith, together with the lands houses fencing water and other the lands, houses, fencing, water and other rights and appurtenances connected with the same and belonging to the United States under the immediate care, management and superintendence of a properly qualified of-ficer of the United States Corps of Engi-

"The same act forbade any pollution of the water supply under penalty of fine and imprisonment. In none of these acts is there any authority to make this road, but in 1871 \$10,000 was appropriated for macadamizing the top of the conduit now used as the main road to Washington. In fact, a road had been constructed a number of years previously over or in number of years previously over or in close proximity to the conduit, to aid in building the latter and the other works and afterward in keeping them in repair. "It would seem that the use of this road as an approach to Washington has already become general among the citizens of the neighboring districts of Maryland prior to 1871, and macadamization of the surface was then recommended to prevent possible injury to the masonry of the conduit by reason of deep ruts in the said road, caused by heavy vehicles passing over it in rainy weather.

Highway Never Authorized.

"No federal statute appears to have been ever passed declaring this road a highway or even expressly authorizing its construction, but for more than forty years the road appears to have been, in fact, used notoriously for highway pur-

poses.
"The land in which the conduit is laid and over which the road runs has been the conduit in the conduit is laid." throughout purchased by the United States in fee, and neither the state of Maryland in fee, and neither the state of Maryland nor Montgomery county nor the town of other authority, corporation or individual has contributed t othe cost of the road's maintenance and repair, all of which has been defrayed through liberal appropria-tions made by the Congress. The road is, for about eleven miles, within the limits of the state of Maryland, and, for about one mile, within those of the town of Glen

"Article 1, section 8, of the Constitution provides that the Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the ac-ceptance of Congress become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards and other needful buildings.

Power Vested in Congress.

"There can be no question and, so far as I am aware, none has been raised that the word 'building' in this passage is used in a sense sufficiently broad to include public works of any kind; but it has been suggested that, inasmuch as the works specifically mentioned are all of a military character, lands can thus be acquired only for purposes 'needful' to the national defense. While this view is not wholly unsupported by authority, it is in conflict with the opin-ion of my predecessor in the matter of the New York post office site, hereinafter cited. which reference is made, with approval, by the Supreme Court in the Leavenworth case, mentioned infra, as well as with the weight of authority in the state courts, and, in my opinion, this provision of the Constitution contemplates the purchase of land 'needful,' for any reason, to the discharge of any of the constitutional duties or the exercise of any of the consti-tutional powers of the United States. "in this case consent of the state of Maryland was clearly given to the purchase of the land, and, if the land was acquired for a 'needful' purpose, as thus contemplated by article 1, section 8 of the Constitution, it seems clear that the power of legislation over such land wasted. of legislation over such land vested in the Congress as soon as it was accurred with such consent. In the language of the Sutton of the building trades to protect them-

the federal jurisdiction is exclusive of all Constitution that Congress shall have 'like authority' over such places as it has over the District, which is the seat of government; that is, the power of 'exclusive legister' capital—union card—in the same manner card in the same manner and in the same manner. lation in all cases whatsoever. Broader or clearer language could not be used to exclude all other authority than that of Con-

"It is immaterial to inquire whether the legislature of Maryland meant to impose any restriction or limitation upon its cession of jurisdiction by the act of 1853, above quoted, for the consent of the state jous at all times to sell his labor, but wh to the purchase being once given, the cession takes place by virtue of the Constitution itself, and any attempt to impose a restriction by the legislature would be un-constitutional and, therefore, vold.

"I do not think there is any room for doubt that, in this case, the consent to the purchase was given; and, such being the case. I have only to inquire whether the purpose for which the land was purchased came within the terms of the Constitution.

"The framers of the Constitution, having

purpose; and, as this territory was to be of very limited area, they must be further presumed to have anticipated that works indispensable to the welfare of its inhabitants, and necessarily under the control of its government (which was to be likewise the government of the Union), would have erected within the territory of the eighboring states.

"An abundant supply of pure water being necessity of life. I think it is clear that the reservoirs and aqueducts and other con structions appurtenant to such water sup ply are to be considered 'needful build ings' within the terms of article 1, section 8 of the Constitution; and, since a roadway is an appropriate and recessary appurtenance to such works, being required to afford access to them on the part of those intrusted with their management, superintendence and repair, I think the Conduit road constitutes territory within the exclusive jurisdiction of the Congress, and that the legislature of the state of Maryland has no jurisdiction over any part of it. I say no marked distinctions any part of it. I see no material distinc tion between this question and that involved in Commonwealth agt. Clary (8 Mass., 72), in which it was held that a proviso to the effect that civil and crim-inal processes might be served by the officers of the commonwealth of Massachusetts within the territory of the arsenal at Springfield did not give the state courts jurisdiction to punish an offense committed within the territory in question.

Conduit Road as a Highway.

"There remains to be considered the question whether the roadway over, or in proximity to, the aqueduct, known as the 'Conduit road,' constitutes a public highway, and this question I answer in the negative. It is true that the Congress, in providing for the macadamization of a portion of this road, appears to have recognized that it was, in fact, very generally used neighboring district of Maryland, but I do not think thi: incidental reference to the use of its property, allowed by the government, as a matter of grace only, to the residents of the vicinage, can be reasonably construed as a dedication of the road to the public use. A highway could not be 'needful' for the purpose of providing a water supply to the seat of government. As a means of access to the waterworks a road might come within that designation, but it was certainly unnecessary that the means of access thus afforded should be open to the public generally. Nor can any such right be claimed on the ground of

prescription. "I think the legal residents of this roadway are similar to those of a so-called 'street' in a navy yard or arsenal. It was constructed for the benefit of the govern-ment and not of the public generally, and the fact that its use by many of the public may have been tolerated for a long time does not prevent the government from re-stricting or even forbidding such use should

this course seem advisable.
"While the use is permitted, however, it would seem that it ought to be permitted under reasonable regulations, and I see no reason to doubt that the officer under whose superintendence and control the road has been placed by the President, in pursuance of the act of Congress of 1859, may prescribe such regulations in the absence of any federal statute regulating the subject-matter. He has, indeed, no power to or imprison or otherwise punish persons who may violate these regulations, but he can exclude them from the use of the road if they are disorderly or refuse to recognize his authority, and such military force may be appropriately placed under his command as will insure obedience to

Mayor Garrett, when informed of the opinion of the Attorney General, consulted State's Attorney Peter and was advised by that official to refrain from making any statement until the full text of the opinion was received and read.

"I have nothing to say," said the mayor to a Star reporter, "until we have read the decision However, until we are satisfied we are in the wrong the ordinances of Glen Echo will continue to be enforced as in the past.
"They may be able to show us we are wrong, but I don't believe it.'

END IS NOT IN SIGHT

PROSPECTS ARE THAT LABOR TROUBLES WILL CONTINUE.

the Employers' Association is being held is concluded or until it has so far prolate this afternoon, and it is said that the gressed as to warrant such proceedings. journeymen bricklayers are expected to ask for a conference with the employers this evening. It was also stated that the master sheet metal workers have adopted what is regarded as an open-shop resolution. They state that as arbitration has proved to be a fallure as a solution of the labor problem, they reserve the right to employ competent sheet metal workers whether they be union members or non-unionists. It was stated that there is not yet in sight any solution of the existing labor

Meeting of Mechanics' Council.

One of the features of the weekly meeting of the Building Trades Mechanics' Council last evening was an address by John H. Brinkman, late president of the Central Labor Union. He spoke with reference to the present building trades situation, outlining the action of the committee and the co-operation it expected from the council.

The speech was applauded and Mr. Brinkman was given assurance that the policy outlined by him would be followed. Announcement was made that the com-

mittee of ten appointed to give considera-tion to the tangle in the building trades will meet at 8 o'clock next Saturday evening in Mr. Brinkman's office to outline and carry into effect a plan of action.

The statement was made that D. J. Bradley, one of the international officers of the Plasterers' Union, arrived in the city yesterday. He stated that the local plasterers much to his surprise, was stronger than it had ever been since its organization; that in former years it had been one of the strongest in the building trades, but the fact that the fight of the employers for the open shop had been centered upon it has brought the men together, petty grievances and differences had been settled, and the union had only increased in strength. A meeting of the arbitration committee of the executive boards of the Bricklayers' Union and the Master Bricklayers' Asso-

ciation was also held last evening, and it was said one of the master bricklayers was called before the committee on charges of having violated his contract, but no de-

cision in the matter was reached. What Mr. De Nedrey Says.

Editor Sam De Nedrey of the Trades Unionist, in discussing the building trades situation, says:

preme Court (Fort Leavenworth Railroad Company vs. Lowe, 118 U. S., pp. 532, 533): When the title is acquired by purchase by consent of the legislatures of the states, and agitated prejudice aside, it would be no trouble to convince them. The building trades have been on the defensive in this generality of the large state of the la

clude all other authority than that of Congress, and that no ther authority can be exercised over them has been the uniform opinion of federal and state tribunals and of the Attorneys General.

Any Restriction Void.

a moment's hotice, protection naving been guaranteed them.

"The efforts of the 'Employers' Association' to make it appear that mechanics desire to retard the progress of building in the District of Columba is not only unfair, and a nerusal of their progress. but most silly, and a perusal of their proc-lamation charging such to be the case emphasizes the statement. The responsibility for the existing condition of building affairs rests upon the 'Employers' Associa-tion,' and not the mechanic, who is anxbelieves, and justly, too, that he has a right to specify how he shall deliver it. Let the employers treat with these men at least on the assumption that they are intelligent-and they are and they will find that they are not only intelligent, but far better informed on the question of economics than those who by sneers and innuendo would have the world believe they were dealing with an inferior class of mortals, and-let's don't get excited."

Uncle Sam to Probe Alleged Trust Conspiracy.

PETITION IS FILED TODAY

Action of Assistant Attorney General at New York.

CRIMINAL PROSECUTION LIKELY

Sherman Law Under Which Suit Is Brought Points Serious Offense. Allegations in Papers.

Special Dispatch to The Star. NEW YORK, July 10.-The only action taken by the federal government today in its suit for the dissolution of the so-called tobacco trust was the filing with the clerk of the circuit court of the formal bill of complaint against the defendant companies. The action, which is directed principally against the American Tobacco Company, includes as well the Imperial Tobacco Company, the British-American Tobacco Company, the United Cigar Stores companies, and at least fifty-nine other smaller cor-

The petition was formally filed at 11:10 o'clock with Commissioner Shields as clerk of the circuit court.

A United States marshal will notify each of the defendants of the institution of the suit. From that time the defendant com panies have until the first Monday in August to make answer to the complaint. The interests of the federal government will be represented by Assistant Attorney General Purdy, Judge J. C. McReynolds and Edwin P. Grosvencr.

Mr. Grosvenor said this morning that too much prominence had been given to the fact that in its complaint the federal government asked for an appointment of a receiver for the defendant companies.

"In every equity action," he said, "a great number of forms of relief are suggested to the court. This was the method followed in this case. Among the means of relief suggested is the appointment of a receiver for the defendant companies. The chief object which is sought, however, is the granting of an injunction restraining the defendants in what we consider to be illegal acts. I am inclined to believe that too much prominence has been given to the fact that the receivership is mentioned as one of the possible forms of relief."

When told of the statement made by Spe cial United States Attorney John C. Mc-Reynolds, in charge of the prosecution of the so-called tobacco trust, to the effect cured for Rice and Carter and they put that a criminal prosecution of the principal people connected with the trust was highly was continued until today. probable Attorney General Bonaparte said today that that phase of the matter has been and still was under consideration by the department. No decision, however, has been reached and no announcement could tion that he sold them, and that he was be made at this time regarding it. It seems more than probable that if any criminal from him was. He stated, however, that action is begun at all it will only be after A meeting of the board of governors of the trial under the present bill of complaint box to hold a quart, but simply by the box, he Employers' Association is being held is concluded or until it has so far pro-

KEMP IN THE CITY?

THEORY THAT ABSCONDER IS PROTECTED BY FRIENDS.

Inspector Boardman said this afternoon that he had received no responses from the circulars that had been sent out requesting the arrest of James Arthur Kemp, the absconding chief clerk of the police with the consumer-in this case Mr. Rice department. He had received a number of suggestions, however, and was paying some attention to them. One suggestion was that the missing man had probably boarded a fruit steamer at Baltimore or Philadelphia and gone to Bermuda, but no information was obtained which vould as sist the department in showing that he had actually gone upon such a steamer. It was also suggested that Kemp is under cover in this city and that a few of his inti-mate friends are looking after him.

Suicide Theory Abandoned.

The suicide theory has been abandoned by many of his friends, although there are some who think he is prepared to take his life in the event of finding the police have him cornered.

Outgoing steamers are being watched, but no thought has been given to the tramp steamers by the police. They will be looked over, however, and every effort will be made by the police department to ascertain if the missing man lands at one of the islands of the West Indies. Claims against Kemp's farm continue to

be filed, and it is stated that a number of persons in this city who loaned Kemp money are likely to file claims. Some of them are considering the proposition of having Kemp declared a bankrupt, belleving most of his assets would be thrown into a common fund and that all the creditors would have even chances of get-

New Clerk Sworn In.

Mr. Edwin B. Hesse, the new chief clerk, was sworn in yesterday afternoon by Inspector Swindells. He gave bond in the sum of \$5,000 for the faithful performance of his duty and entered upon his new duties this morning. The deeds of the former chief clerk, it is said, will result in an enchief clerk, it is said, will result in all the tire change being made in the method of ing on.

Still the weather bureau can offer no still the w ment. In all probability Maj. Sylvester promise of respite from the heat, and the will adopt the plan which was adopted by R. W. Dutton, when the latter was chief of directly, that the worst is yet to come. the fire department. When he becamchief of the fire department the funds were handled about as they have been handled in the police department, but Chief Dutton realized the danger of somebody being bureau for the twenty-four hours beginning tempted and changed the plan. As the fire at 2 p.m. yesterday: tempted and changed the plan. As the life at 2 p.m. yesterday.
department money is now handled it requires the signatures of three officers of the association in order to get any funds

Thermometer: July 9—4 p.m., 83; 8 p.m., 79; 12 midnight, 74. July 10—4 a.m., 69; 8 a.m., 74; 12 noon, 86; 2 p.m., 87.

a.m., 74; 12 noon, 86; 2 p.m., 87.

To Replace Relief Fund.

Maximum, 87, at 2 p.m., July 10; minimum, 68; at 5 a.m., July 10.

Barometer: July 9-4 p.m., 29.95; 8 p.m., 29.86; 12 midnight, 29.88. July 10-4 a.m., 29.86; 8 a.m., 29.92; noon, 29.90; 2 p.m., 29.88. in the matter of providing money for the assistance of the four families that are entitled to the relief funds which were taken by Kemp. Their offers brought about a number of suggestions as to how the money might be raised without delay and a committee in charge of the matter met yesterday afternoon. Several suggestions were made and the committee decided to have an athletic entertainment on the grounds of the Washington Base Ball Club.

Foreclosure Proceedings Begun.

A dispatch from Rockville today says that tian Endeavor Society began here yesterat the request of attorneys for Mrs. Mary day. Delegates from every state in the Kemp, wife of J. Arthur Kemp, Messrs. Bouic & Bouic of that place today insti-

HARRIMAN'S CASE TAKEN UP MORE UNWRITTEN LAW

CONSIDERATION BY THE INTER-STATE COMMERCE COMMISSION. Probably Will Be Invoked in the Endeavoring to Agree on a Report to Bowie Trial.

CASE MUCH LIKE LOVING'S

in session today and the Harriman case Adrian Posey Outlines the Course He Will Follow. the President, and it will probably be trans-

SIDNEY E. MUDD TO PLEAD

Little Town of La Plata Filling Up. Prospect of a Short But Lively Hearing.

At the request of the President, it is un-LA PLATA, Md., July 9.-Mrs. Mollie Bowie and her son Henry, twenty years old, sion has forwarded to the President at Oyster Bay a memorandum giving the subwere arraigned here this morning on the stance of the evidence collected in this case charge of killing Hubert Posey near Indian by the commission. It is stated that the Head last February. Both pleaded not guilty President's request for a memorandum of the evidence in the inquiry probably was and the selection of the jury to decide their at the suggestion of Special Counsel Kelfate was immediately commenced. Judges logg, who, it is understood, insists that Mr. Harriman should be prosecuted for viola-Briscoe, Crane and Merrick are presiding at tion of the Sherman anti-trust law in his the trial. The state is represented by Col. alleged manipulations of the finances of the Chicago and Alton railroad. Several L. Allison Wilmer, while Representative members of the commission, it is said, Sidney Mudd and State Senator Adrian Posey, a distant relative of the murdered Harriman for these alleged violations of the law. Mr. Kellogg visited the President man, appear for the defendants.

As early as 8 o'clock this morning large crowds began to assemble in the courthouse, and it was with difficulty the judges, defendants and attorneys made their way to the courtroom. When the trial was begun all available sitting and standing room was occupied and the sheriff was instructed to guard the door and keep other spectators out. Shortly after court convened Mrs. Bowie and her son had the indictment against them read aloud.

Each is charged with the deliberate and malicious murder of Hubert Posey. When asked how they pleaded to the charge both answered in a firm voice, "Not guilty."

Thirty-two ventremen, who were summoned in order that the jury might be sethe Police Court today. After examining lected, filed into the room and were sworn. the berry baskets, which had the bottoms Each was interrogated by Attorney Posey for the defense and State's Attorney Wilmer for the commonwealth.

"This is a fraud, a clear-cut fraud, in-The examination of the veniremen tended to cheat the customer." declared dragged on slowly, most of them admitting the judge in concluding the case. "And that they had come to a conclusion as to we must hold this man who deals with the the innocence of Mrs. Bowle and her son and confessing that very strong evidence would have to be adduced to drive them couple of weeks ago, as stated in The from that belief. As court will adourn Star at the time, following a visit of As-sistant Sealer Schoenthal to the market about 3 o'clock, it is scarcely probable that any steps other than the securing of the line. At that time, it was testified today, jury will be taken in the trial today. he purchased a box of berries from Rice and Carter, and in examining the box afterward it was found that there were Judges Briscoe, Crane and Merrick will eave La Plata for their homes on the afttwo bottoms to the boxes, one on the outside running straight across like any orernoon train, and the case will be resumed at 9 o'clock tomorrow morning. dinary berry box, the inner one humped up in the middle, thus requiring fewer ber-

Although it is admitted by the defendants and their counsel that Posey was slain by Mrs. Bowie and her son, they will plead as justification and excuse the "unwritten w." and it is not improbable that some expert testimony on mental disorders will be heard. In addition to the pitiful story which Mrs. Bowle will tell the jury, Priscella Bowle, the eighteen-year-old daughter of Mrs. Bowie, in whose defense it is said Posey was slain, will go upon the stand and narrate her story of the betrayal at his hands. Miss Bowie appeared in court this norning carrying on her arm a two-monthsold baby, of which Mr. Posey and Repre-"We have a law prohibiting the sale of produce in short weight, and under that law the responsibility is on the man who sells in the District of Columbia, no matter sentative Mudd will insist that the murdered man was the father.

WEST MAKES A NEW RECORD

SCORE FOR 18 HOLES IN CLEVE-LAND GOLF TOURNEY 71.

CLEVELAND, Ohio, July 10 .- A brisk west wind was blowing up the course this morning when the end round of medal play for qualification for the national amateur golf championship was started over the Euclid links. The breeze was heavy enough to interfere somewhat with accurate play, and fewer scores of 79 and under were looked for today as a consequence. general impression among players and golf officials alike, however, was that a score of 166 would be the outside figure to qualify for the championship play beginning to-

morrow. A meeting of the officials of the United States Golf Association will probably be held today to consider the advisability of appointing a committee to confer with the officials of St. Andrews, Scotland, as to a general revision and codification of golfing rules. There are many minor points of difference in the rules of the game as played in the United States and Great Britain, and the need of general rules to apply to the game wherever played has been felt for some time.

Secretary E. Fellows Morgan of the United States Golf Association said this norning that such a meeting would be held, but that probably nothing would be given out on it today. National Champion Eben Byers played in

better form today, accomplishing the first nine holes of the final eighteen in the qualfying round in thirty-five strokes

His card: 4 4 3 3 5 4 5 3 4-35. The wind died down as the morning wore on, and toward noon it had little effect on the work of the contestants. Byers' card coming in was as follows: In-5 4 3 5 4 5 5 5 6-42. Total, 77.

This makes Byers' total score for the two days' play 162, and makes it certain that reau the ascent was regular, one degree he will qualify. West Makes New Record.

W. T. West, semi-finalist at Baltusrol in 1904, broke the tournament record today by making the eighteen holes in 71. This, total 147. West's card today was as follows:

John Ward, the former base ball player, is among the sure qualifiers. His score to-day was 80, which made his total 159, well under the figures that are expected to mark the limit.

John D. Rockefeller was again a deeply interested spectator of today's play. Today he trailed along with the crowd, watching Chandler Egan and Jerome D. Travers, companying on their playing the conductions. commenting on their play and occasionally expressing sorrow that his age barred him from getting in with the rest of the boys and scrapping for national honors. nd scrapping for national honors. Chandler Egan holed out a 25-foot putt on the sixth green after a beautiful recov-ery from the rough, and John D.'s straw hat went almost as high in the air, while he slapped the shoulders of a newspaper man with vigor, the better to express his

joy at the play. Other Scores. Other scores follow:

J. K. Bole, Euclid, 79, total 163: Harold Weber, Toledo, 80, total 159; O. W. Jones, Toledo, 78, total 161; T. G. Stephenson, Brookkline, 82, total 167; A. E. Austin Lambton, Toronto, 86, total 169; George F. Willett, Brookline, 88, total 172; Daniel Chauncey, Garden City, 90, total 176; C. B. Fownes, Oakmont, 90, total 177; Lowndes Rhett, 90, total 178; J. A. Ellen, Pittsburg. Union and from many foreign countries are The framers of the Constitution, having provided for a seat of government for the Union must be presumed to lave anticipated the reasonable and necessary consequences of such provision, one being that a considerable population. However, the provision of the convention of the Union and Foreign Countries are in attendance. The city is decorated to the convention, thousands of the Constitution, having provided for a seat of government for the Union must be presumed to lave anticipated the reasonable and necessary consequences of such provision, one being that a considerable population including large numbers of persons engaged in the territory to be acquired for this with the presentation of the convention to listen to the rendition of the convention to listen to the rendition of the convention, having the city is decorated in attendance. The city is decorated in attendance. The city is decorated to total 188; John Ward, Fox Hills, 80, total 1594, W. Tillinghat, Phillagelphia, 85, total 1594, W. Tillinghat, Phillagelphia, 85, total 1594, W. Tillinghat, Phillagelphia, 85, total 1594, W. Wilhelm der Grosse from New York.

Special Dispatch to The Star.

ANNAPOLIS, Md., July 10.—Arrived: Steamer fluttering in the circuit court to foreclose the mortgages on Kemp's property with these defendants had absolutely nothing to dotal 188; John Ward, Fox Hills, 80, total 1594, W. Tillinghat, Phillagelphia, 85, total 1594, W. Wilhelm der Grosse from New York.

Special Dispatch to The Star.

ANNAPOLIS, M. a. Ellen. Pittsburg that a dosoilt 7:30 a.m. Thursday.

LIVERPOOL, July 9.—Arrived: Steamer the white streamers fluttering in the circuit court to foreclose the mortgages on Kemp's property with these defendants had absolutely nothing 1594, We want to show that 1501 184;

RAILWAY'S REQUEST DENIED DEPOSITIONS ALL IN

MAY NOT USE LOCOMOTIVES ON

ber 1 to Substitute Electric Motive

Power for Steam.

General Oliver, acting secretary of war,

Mai. M. G. Zalinski, quartermaster, U. S. A.

and the Great Falls and Old Dominion Rail-

road Company, respecting the use by the

latter company of a part of the military

reservation of the United States at the

south end of the Aqueduct bridge, Alexan-

dria county, Va., to connect its tracks

with the single track across the Aqueduct

bridge. A few days ago Maj. Zalinski wrote a letter to Mr. T. J. King, general superintendent of the railroad company,

calling attention to the fact that small steam locometives have been used by the

company for motive power on the govern-ment reservation, while the revocable li-cense granted the company was for the

operation of an electric railway. Maj. Za-linsk, said the use of steam locomotives

was dangerous, owing to the congestion o travel on the government road over the

reservation and the probability of fright-ened animals doing damage. He also said that the reservation on the west side of

the government road must be kept clear of crossties, freight and other debris.

Superintendent King's Request.

said that the use of steam locomotives for

passenger service was an absolute neces-

sity with the Great Falls and Old Dominion

company. These locomotives had been

used for more than a year without any objection, he said, and they are now used for passenger service only when the electric line is inadequate to handle the traffic.

e said the locomotives used hard coal

"For us to abandon this service at this time without having any previous notice," said the general superintendent, "is a distinct hardship, and will cause a great mone-

tary loss and inconvenience and disappoint ment to thousands of people who wish to

go to the falls, and whom we are furnish-

grading at this point would have been done some time ago, but we have been pushed to the limit to complete the work

track and the work necessary to be done at the falls. I respectively request that per-

mission be given to this company for the continued operation of the locomotives for passenger service.

Maj. Zalinski's Recommendation.

In forwarding the papers to the quarter-

master general of the army Maj. Zalinski

says: "The revocable license dated Novem-

Dominion Railroad Company grants author-

ity to construct and maintain an electric

road, and it therefore appears that I am

not authorized to grant the request of the said company for permission to operate small steam locomotives on the military

duct bridge. Furthermore, in view of the

reservation, owing to the congestion of ve-

hicle traffic on the government road at the south end of the bridge and the probability of frightened animals doing damage, it is

believed that the use of steam motive power

Congress approved January 2, 1903. I therefore recommend that authority be not

but I do recommend that a reasonable

ime, say sixty or ninety days, be granted

to enable the company to replace the steam

the military reservation will be prohibited.'

ED TO TAKE ACTION.

Charles G. Ayres, 14th Cavalry, will report

United States Army, president of an army

York city, on July 17, 1907, for examination

examination will return to the place of re-

War Department today:

ceipt by him of this order.'

cars with ones operated by electricity.

ber 20, 1905, to the Great Falls and Old

ecesary to be done to complete the double

ing every facility we can. The work of

and there was no smoke or other objection-

able features

In reply, General Superintendent King

MILITARY RESERVATION. Verbal Testimony in Havwood Great Falls Road Given Until Decem-Case Recommended.

MOYER HAS NOT CONFESSED

has taken action, in a controversy between Declared Positively No One Has Approached Him.

POLITICS IN THE CASE TODAY

Attempt to Show the State of Public Feeling in Denver During the Peabody Regime.

BOISE, Idaho, July 10 .- With the excepion of Charles H. Moyer, the president, and William D. Haywood, the secretaryreasurer of the Western Federation of Miners, the defense in the Steunenberg murder trial will today close its case in

A portion of the morning session having been given to the further reading of depositions taken in San Francisco, two or three witnesses will come up for examination. Among these is Fred Miller, one of the attorneys for William D. Haywood. Miller acted as attorney for Harry Orchard when the self-confessed murderer of Steunenberg was arrested at Caldwell. According to witnesses for the state, Miller, who practices at Spokane, Wash., sent a telegram to Orchard when he was in jail at Caldwell announcing that he was coming to his assistance. This message, it is charged, was in pursuance of an arrangement made by Haywood that the Western Federation of miners would defend the murderer.

So far the defense has not denied that Miller was retained in the interest of the Western Federation. It is maintained that Haywood sent the telegram to Silver City then it was announced in the newspapers that the Western Federation was concerned in the murder and that it was their custom to take up all matters where the name of the federation was involved.

John Nugent, another of the attorneys representing Haywood, was at the time of Orchard's arrest practicing in Silver City, Idaho, and he was consulted by the secretary of the local union, who received Haywood's message. It is known that Miller visited Orchard

after his arrest and that he went to Denver to consult with the Western Federation, afterward calling on Orchard at the penitentiary in Boise. At this time Miller bought Orchard a suit

of clothes and was acting for him. While granted to said company to operate said Miller was in Denver Orchard's confession steam trains on the military reservation, was secured by Detective McPartland and was secured by Detective McPartland and when this confession came out later Miller's visits ceased.

Witnesses in Rebuttal.

Acting Secretary Oliver has returned all the papers to the quartermaster general called in rebuttal by the state have arrived with instructions to inform the company "that the department will not interfere in Boise. They come chiefly from Idaho with the use of the steam locomotives as and Colorado. The defense, having set up the claim of counter-conspiracy on the part their use from and after that date upon of the Mine Owners' Association, the Citizens' Alliance and the Pinkerton agency, in furtherance of which they have intro-TO EXAMINE COL. AYRES duced testimony to show the calling out of the military in Colorado was unnecessary, the state proposes to show that before the military was called a number of terrible ARMY RETIRING BOARD DIRECToutrages had been committed and that lives and property of many citizens having been placed in jeopardy during the struggle between the federation and the mine owners the calling out of the military was neces-The following order was issued at the sary as a precaution. "By direction of the President, Lieut, Col.

Among the witnesses in rebuttal will be Capt. McParland, the manager of the in person to Brig. Gen. John M. K. Davis, western division of the Pinkerton National Detective Agency. It is expected that his from Colorado.

L. Edle, surgeon, and Capt. Sandford H. Wadhams, assistant surgeon, with Capt. William T. Johnston, 15th Cavalry, as re-This board will make a thorough examination of Col. Ayres, physically and men-tally, with a view to ascertaining whether he is eligible for retirement because of deterioration in either respect.

The immediate cause for the order was the publication recently of an interview with criticised army methods and officials in discussing the trouble between Mrs. Ayres and the military authorities at West Point over the "Easter cadet overcoat episode."

GREW STOUT IN JAIL

PHILIP GAINED SEVENTEEN POUNDS DURING IMPRISONMENT

"I am through with liquor. No more whisky for me." In these words Gaston P. Philip, indicted for murder in connection with the death of Frank MacAboy, and yesterday released on \$25,000 bail, confided to Deputy Marshal Springmann, during their ride from the jail to the city hall, his determination to henceforth lead the simple life, or at least eschew the cup that cheers.

Springmann called at the jail in a hack for Philip, and together they drove to the court house. While in the building awaiting the convening of the court Philip was weighed. He tiped the beam at 2051/2 pounds, showing an increase of weight since his incarceration about six weeks ago of about seventeen pounds. Philip appears to be in perfect physical condition, and the jail confinement seems not to have affected him.

Will Go to Cloverneck. After the ball had been arranged Philip

left the courthouse in company with his sister and brother, with whom he is short-ly to leave the city for Cloverneck, N. Y., which place he gave to the clerk of the court as his address. The affidavit of Paul J. Pelz, the local architect, which was attached to the ap-plication of Philip for release on ball, re-lated to the architectural conditions of the hotel in which the tragedy occurred and did not touch on the character of the dead man or show any knowledge of the pro-

OCEAN STEAMSHIP MOVEMENTS. NEW YORK, July 10.-Arrived: Steamers Carmania from Liverpool; Grosser Kur-

ceedings leading up to the shooting.

furst, from Bremen; Kronprinz Wilhelm from Bremen. NEW YORK, July 10.—The steamer Slaonia, from Trieste for New York, was reported by wireless telegraph 233 miles east

of Sandy Hook at 8 a.m. Will probably dock about 7:30 a.m. Thursday.

LIVERPOOL, July 9.—Arrived: Steamer

testimony will be highly interesting, and retiring board, at the Army building, New that the examination by the defense will be searching. McParland has been the object of continual attack on the part of the de-fense. He has been retained by the state of Idaho ever since the arrest of Orchard, and has been continually at work on the case against Moyer, Haywood and Pettiby the board, and upon completion of his The detail for the board is as follows: Brig. Gen. John M. K. Davis, Col. Charles A. P. Hatfield, 13th Cavalry; Lieut. Col. William P. Evans, 11th Infantry; Maj. Guy bone since they were brought to Idaho The Moyer "Confession."

It is probable that the rest of the week will be taken up with the examination of Mover and Haywood. The former goes on the stand today. Counsel for the defense say that his examination will not be lengthy and that he probably will be dismissed before the adjournment this afternoon. Ever since the case against Haywood

there have been rumors of probability of a confession from Moyer. According to the best possible information from a reliable source there is not the slightest foundation for these reports. The statement has been made that society women of Boise are in-teresting themselves in an effort to influence Mrs. Moyer to secure a confession from her husband. For such report, there is not the slightest foundation. It is beyond question that neither Mrs. Moyer nor Moyer himself have been approached by any persons in Boise with a view to influencing the case. A statement to this effect is authorized by counsel for both sides and by both Moyer and his wife.

John Tierney Called.

When the trial opened this morning Senator Borah read the cross-examination in the deposition of W. A. Abernathy, a contractor and former miner in the Coeur d'Alenes, who declared he heard Harry Orchard say he would "get" Gov. Steunenberg some time. This was the last of the depositions which had occupied the court since Monday.

When the reading of the depositions was concluded John I. Tierney, a newspaper correspondent of Denver, was called by the defense. He testified regarding the political situation in Colorado in 1904 and 1905, when it is alleged that attempts were made on the life of Gov. Peabody and Supreme Court Justices Goddard and Gabbert. Tierney said he was a candidate for the legislature in 1904. Asked if he was elected on the face of the returns, but not allowed to take his seat, there was an objection from the state, and the witness was not allowed to reply.

Tierney next was asked what the public feeling in the city of Denver was as against Gov. Peabody and the supreme court in 1904 and 1905. Again there came an objection from the state, and a long argument ensued.

Aim of the Evidence. Mr. Darrow declared it was the purpose

of the defense to show that there were others whose feelings and motives were stronger than any that could be charged against the Western Federation of Miners. "Are you going to show that somebody other than Orchard committed the crimes?" queried Judge Wood. "No, your honor," replied Darrow; "we

will presume that Orchard dia those things, but we propose to show that he was acting as agent for those who must have had a stronger feeling than the Western Federation of Miners. we propose to show that these defendants had absolutely nothing to